

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MARY ANN O'NEAL, BEVERLY WILKINS,  
and BEVERLY STEWART,**

**Plaintiffs,**

**v.**

**CIV. No. 97-261 JP/DJS**

**DONNA SHALALA, SECRETARY OF  
THE DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,**

**Defendant.**

**MEMORANDUM OPINION AND ORDER**

On May 26, 1998 Plaintiffs filed their Motion for Leave to File a Supplemental Complaint [Doc. No. 63] under Federal Rule of Civil Procedure 15(d). On June 17, 1998 I held a telephonic conference to discuss the motion. Leo O'Neal appeared on behalf of the Plaintiffs, and Ron Ross and Amy Weiser appeared for the Defendant.

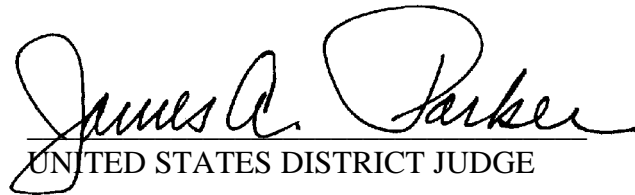
During the hearing I stated that the Plaintiffs' Motion should be granted. Because the Defendant intends to file a motion to dismiss that will be affected by that ruling, I also stated that the motion package filing deadline should be extended to August 13, 1998. I further requested that each party provide me with copies of its brief on the upcoming motion to dismiss at the time it is served on opposing counsel.

Counsel for Defendant advised that they may exceed the page limit on exhibits in their brief in support of the motion to dismiss. Counsel for the Defendant should try to comply with the page limitation, but if they are unable to do so they may submit an agreed Order waiving the

page limitation. Finally, Plaintiffs have agreed to dismiss their claim under the Whistleblower Act and counsel for the Plaintiffs will file a Stipulation doing so.

THEREFORE, IT IS ORDERED that:

- (1) Plaintiffs' Motion for Leave to File a Supplemental Complaint [Doc. No. 63] is GRANTED; and
- (2) the deadline for filing Defendant's Motion to Dismiss and related briefs is extended until August 13, 1998.

  
UNITED STATES DISTRICT JUDGE